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Attorney Docket No. ITW7510.030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Cigelske, Jr. et al.
Serial No. : 10/065,571
Filed : October 31, 2002
For : System for Assembling Welding Apparatus
Group Art No. : 1725
Examiner : Len Tran

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER
MAILED DECEMBER 21, 2006

Dear Sir:

This Reply Brief is being filed in response to the Examiner's Answer mailed December 21, 2006.

REPLY BRIEF

Claims 1-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Katooka et al. In the Examiner's Answer mailed December 21, 2006, the Examiner maintained the rejection of claims 1-23 and dismissed all of the arguments set forth by Appellant in the Appeal Brief of October 20, 2006. In response, Appellant would like to address some of the assertions made by the Examiner regarding the teachings of the prior art.

In the Examiner's paragraph (10) **Response to Argument**, the Examiner rejected arguments previously set forth by the Appellant in the Appeal Brief. In response to Appellant's argument that Katooka et al. teaches a configuration in which the "snap" and the "ramp" therein are both affixed to the chassis, the Examiner stated that "[t]he 'snap' (through-hole 106) is clearly shown in figure 3a of Katooka et al to be on the end panel (100)" and that "[t]he 'ramp' (projection 312) is clearly shown to be on the base (300)." *Examiner's Answer*, December 21, 2006, p. 5. In light of these assertions, the Examiner maintained that Appellant's interpretation of the structure disclosed in Katooka et al. is incorrect. Appellant respectfully disagrees. That is, Appellant believes that the Examiner continues to misinterpret and mischaracterize the teachings of Katooka et al.

The disclosure of Katooka et al. clearly does not teach or suggest that which is set forth in the claims of the present invention. Claims 1, 10, and 17 call for, in part, a welding apparatus that includes a base having at least one snap having a distal end with an opening therein that extends outwardly from the base, and an end panel having at least one ramp formed thereon that engages with the distal end of the snap to retain the end panel to the base. As shown in Fig. 2 of the current application, the welding apparatus 10 and enclosure 12 of the present invention includes a pair of snaps 42 extending outwardly from the ends 28, 30 of a base 26. *Application*, ¶30. The snaps 42 each have a distal end 44 and an elongated hole 46 formed therein. The snaps 42 are U-shaped in configuration, with the distal ends 44 being the closed ends of that U-shape. *Application*, ¶30. To secure the base 26 to end panel 16, a ramp 60 located on the end panel 16 engages the snap 42 by protruding thru the elongated hole 46 in the snap 42. *Application*, ¶35; *see also* Fig. 2.

As set forth above, the Examiner asserted that that the through-hole 106 disclosed in Katooka et al. is a "snap" as is called for in the current invention. As such, the Examiner reasons that Katooka et al. discloses a "snap" located on an end panel and a "ramp" located on a base. The Examiner's insistence that this interpretation of Katooka et al. is consistent with the

teachings therein is misplaced and cannot be held to be reasonable in light of what is disclosed in the cited reference. As set forth by the Appellant previously regarding Katooka et al., the structure in Katooka et al. consists of a projection 310 (i.e., a “snap”) located on the chassis 300, the projection having a protrusion 312 protruding outward from the tip end of that projection. *Katooka et al.*, Col. 6, lns. 5-21; *see also* Figs. 3A, 3B. The protrusion 312 functions as a ramp for engaging a through-hole 106 in the front panel 100. *Id.* As shown in Fig. 3A of Katooka et al., there is no ramp or snap formed on the front panel 100 but merely a through-hole 106 formed therein. That is, the “snap” and the “ramp” that the Examiner points to in Katooka et al. are both affixed to the chassis.

An examination of the current invention and of the disclosure of Katooka et al. clearly shows that the through-hole 106 disclosed in Katooka et al. is not equivalent to, and does not teach or suggest, the snap called for in claims 1, 10, and 17 and described in the specification as snap 42 in Fig. 2 and at ¶30. As is called for in claims 1, 10, and 17 of the present invention, snap 42 includes “a distal end with an opening therein and extending outwardly from the end of the base.” Clearly, snap 42 is more than just a hole with which ramp 60 engages; rather, it is a separate member that extends from base 26 and flexes to engage the ramp 60. It is illogical for the Examiner to suggest that the through-hole 106 disclosed in Katooka et al. “extends outwardly” from either a base or an end panel or that it has a distal end. Through-hole 106 is exactly what it is disclosed as in Katooka et al., a hole. Through-hole 106 is not a snap as called for in claims 1, 10, and 17 of the current invention as asserted by the Examiner. For the Examiner to assert that the through-hole 106 disclosed in Katooka et al. is equivalent to snap 42 in the current invention is clearly contrary to the teachings of Katooka et al. The Examiner has mischaracterized the teachings of Katooka et al. to suggest that which is called for in claims 1, 10, and 17 of the current invention.

The Examiner also rejected Appellant’s arguments that Katooka et al. and the present invention are not simply opposites as was asserted by the Examiner. The Examiner stated that “[o]ne of ordinary skill in the art would have interpret (sic) Katooka et al’s interlocking configuration, ‘snap’ on end panel (100) and ‘ramp’ on base (300), would be an opposite configuration of appellant’s claimed invention” and that “regardless of the ‘snap’ on the base or the end panel, it would have been obvious from Katooka et al that both the ‘snap’ and ‘ramp’ would make contact with each other to provide interlocking means during assembling of the welding power supply.” *Examiner’s Answer*, *supra* at 6. The Examiner’s assertions to this effect

again rely on the conclusion that the through-hole 106 disclosed in Katooka et al. is a “snap” as is called for in the present invention. As set forth above, the through-hole 106 of Katooka et al. is merely a hole formed in the end panel 100. The through-hole 106 fails to teach or suggest elements of the snap that are called for in claims 1, 10, and 17 of the present invention. That is, the snap of the present invention is set forth as including a distal end with an opening therein and as extending outwardly from the end of the base. Katooka et al. fails to teach or suggest a snap including such features and it is illogical for the Examiner to suggest that the through-hole 106 disclosed in Katooka et al. “extends outwardly” from either a base or an end panel or that it has a distal end. The Examiner cannot simply arbitrarily define elements in the prior art to teach or suggest a wholly different element of the present invention. The Examiner’s defining of the through-hole in Katooka et al. seems to be an attempt to stretch the teachings of the reference to achieve the current invention without any support from that reference.

In summary, Appellant believes that the Examiner has failed to show how the teachings of Katooka et al. render the current invention obvious. Appellant has set forth arguments showing that Katooka et al. fails to teach, disclose, or suggest that which is called for in the current claims. Appellant has set forth in detail in the Appeal Brief of October 20, 2006, arguments showing such and has summarized some of these arguments above in response to statements made by the Examiner in the most recent Examiner’s Answer.

In view of the above remarks, Appellant respectfully submits that claims 1-23 are patentably distinct over the art of record. Accordingly, Appellant requests that the Board direct that each of the above referenced outstanding rejections over Katooka et al. be withdrawn.

Respectfully submitted,

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